

**REQUEST FOR QUALIFICATIONS
2007-2009**

**CONSULTING SERVICES FOR
THE MAG PEDESTRIAN DESIGN ASSISTANCE AND THE MAG BICYCLE/SHARED USE DESIGN
ASSISTANCE PROGRAM ON-CALL LIST**

June 29, 2006



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PUBLIC NOTICE

REQUEST FOR QUALIFICATIONS

**ON-CALL LIST FOR THE
MAG PEDESTRIAN DESIGN ASSISTANCE PROGRAM AND THE MAG BICYCLE/SHARED USE
DESIGN ASSISTANCE PROGRAM**

The Maricopa Association of Governments (MAG) is seeking a Statement of Qualifications (SOQ) from qualified firms or individuals capable of providing expertise in planning and designing pedestrian and bicycle/shared use facilities through the MAG Pedestrian and Bicycle/Shared-Use Design Assistance Program. Approved consultants will be placed on an On-Call Consultant list which will be used for the Fiscal Year 2007-2009 Design Assistance Programs. For 2007, \$200,000 is available for the design of pedestrian areas and \$300,000 is available for the Bicycle/Shared-Use Design Assistance Program.

Detailed SOQ requirements may be obtained by contacting the MAG Office at the address indicated below or by visiting the MAG Web site at <http://www.mag.maricopa.gov/>.

Statements of Qualification will be accepted until 10:00 a.m. (Mountain Standard Time) on Monday, July 31, 2006, at MAG, 302 North 1st Avenue, Suite 300, Phoenix, Arizona, 85003. For further information, please contact Maureen DeCindis, MAG Transportation Planner, at (602) 254-6300, by fax at (602) 254-6490 or by e-mail at mdecindis@mag.maricopa.gov.

SCOPE OF SERVICES

Introduction

The purpose of this request is to solicit Statements of Qualifications from consultants to participate on an On-Call list to provide expertise in developing pedestrian area plans, schematic designs and specifications for jurisdictions participating in the Maricopa Association of Governments (MAG) Pedestrian Design Assistance Program and the Bicycle/Shared-Use Design Assistance Program. The purpose of the Program is to demonstrate implementation of the MAG Pedestrian Area Policies and Design Guidelines in the MAG region and to design both pedestrian and bicycle projects that will get constructed. The areas for which plans, schematic designs and specifications are requested will be identified by MAG and the selected jurisdictions.

Background

The Maricopa Association of Governments is the designated MPO for transportation planning for the metropolitan Phoenix area. MAG is also the designated Air Quality Planning Agency for the region. The MAG membership consists of the 25 incorporated cities and towns within Maricopa County and the contiguous urbanized area, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, Maricopa County, the Arizona Department of Transportation (ADOT), and the Citizens Transportation Oversight Committee (CTOC). ADOT and CTOC serve as ex-officio members for transportation-related issues.

The MAG Pedestrian Design Assistance Program was initiated in 1996 to encourage the development of designs for pedestrian facilities according to the MAG *Pedestrian Policies and Design Guidelines*. The intent of the program is to stimulate integration of pedestrian facilities into the planning and design of all types of infrastructure and development. That intent has become a reality. Seventeen pedestrian projects have already been initiated with the program, which has leveraged extensive funding for pedestrian facilities. In fact, an investment of \$901,000 in 20 projects has leveraged nearly \$5 million in federal transportation funds for pedestrian areas, which does not include substantial local or private funds used to construct the designs.

The Bicycle/Shared-Use Design Assistance program is brand new for 2007. The intent of this program is to provide design assistance to cities and towns for bicycle crossings, on-street and off-street facilities with an emphasis on creating a regional inter-connected network according to the *Manual of Uniform Traffic Devices (MUTCD)*.

All design projects submitted by jurisdictions are required to satisfy the most recent eligibility requirements outlined under official Congestion Mitigation and Air Quality Improvement (CMAQ) Program Guidance. The most recent Program Guidance, to date, was released on April 28, 1999, as amended as recently as December 13, 2004.

Projects that lead to the construction of facilities or new services and programs with air quality benefits are eligible. General planning activities such as economic or demographic studies are too far removed from project development and are not eligible for funding.

Eligible Design Projects:

- Pedestrian Facility Design up to 95% design
- Design Concept Report
- Preliminary engineering and project planning studies

Jurisdictions submit potential projects for review and ranking by the MAG Pedestrian Working Group and the MAG Bicycle Task Force. Final selection is made by the MAG Regional Council based on the recommendation of the MAG Management Committee, the MAG Pedestrian Working Group and the MAG Bicycle Task Force. Successful recipient jurisdictions select a CONSULTANT from the On-Call CONSULTANT list that has been

pre-approved by the MAG Regional Council. MAG monitors the work of the CONSULTANT to the extent necessary to manage the CONSULTANT contract. The completed designs will become the property of the jurisdiction and MAG.

In order to expedite the delivery of CONSULTANT services, MAG develops an On-Call list of qualified consultants to provide expertise in developing pedestrian and bicycle area plans, schematic designs, and specifications for participating jurisdictions.

Proposed Project Tasks

The purpose of this section is to outline the major tasks to be performed by the CONSULTANT in order to produce the required analyses and deliverables. The CONSULTANT is encouraged to be creative in developing a sound analytical approach which achieves the goals for this project. It is recommended that the CONSULTANT be as specific as possible in describing the activities that will be performed to support each task. The CONSULTANT is also urged to make maximum use of matrices, tables and drawings in working papers produced for the project to ensure conciseness and clarity and to minimize the amount of text required. In preparing a SOQ for consideration by MAG, the CONSULTANT is encouraged to be innovative in responding to tasks and/or providing additional tasks.

Task 1: Refine the Scope of Work

Based on a work session with the Maricopa Association of Governments (MAG) Program Manager and the Local Contact, the CONSULTANT will assist in the preparation of a detailed scope of work. The scope of work will be the basis for developing the project contract, plans, schematic designs, and specifications.

Task 2: Data Collection; Stakeholder and Core Team Identification; Meeting Schedule

The Local Contact shall provide to the CONSULTANT all available information relating to the project area. A formal list of key stakeholders who will be asked to participate in developing pedestrian improvements in the project area shall be developed. A Core Team list shall also be developed to facilitate interagency coordination during development of the project design and to evaluate outputs at key planning stages. A schedule of meeting dates for stakeholder, Core Team, public and other meetings shall be created.

Task 3: Data Analysis

The CONSULTANT shall analyze and review the data collected. The Core Team and stakeholders shall provide input on issues and needs to consider in planning the pedestrian facilities. The CONSULTANT shall prepare an Area Assessment Report.

Task 4: Preliminary Design and Project Assessment

The CONSULTANT will prepare a preliminary evaluation of the project and, if applicable, its budgetary constraints and review with the Local Contact and MAG Program Manager any inconsistencies between potential program requirements and budget limitations.

The CONSULTANT shall develop 30% design with preparation of a project assessment report to be submitted to the Arizona Department Of Transportation (ADOT). The project assessment can include an analysis of alternatives and identify project phasing. Based on comments from the Core Team, Local Contact and MAG Program Manager, the CONSULTANT shall revise the report. The revised report shall be given to the Core Team for review and comment.

Task 5: Preliminary Draft and Pre-Final Draft Final Plans, Specifications and Estimate

The CONSULTANT shall prepare preliminary (60%) construction plans to include paving and grading plans and details, landscape and landscape irrigation plans and details, lighting plans and details, site amenity plans and details, signing/stripping plans and details, and demolition plans. The plans will be reviewed and comments incorporated.

Task 6: Final (95%) Plans, Specifications and Estimate

A preliminary opinion of probable construction costs for the draft design shall be prepared and reviewed. Based on comments obtained, the CONSULTANT shall prepare a pre-final (95%) construction plans to include paving and grading plans and details, landscape and landscape irrigation plans and details, lighting plans and details, site amenity plans and details, signing/stripping plans and details, and demolition plans. The CONSULTANT shall not perform a title search. The CONSULTANT shall submit the plans, specifications and estimate for review.

The CONSULTANT will prepare a one or two page summary of the project, with the primary goal of communicating the regional significance of the project. The summary shall be reviewed and comments shall be incorporated into the summary.

Deliverables

The products of this project may include the following or additional items agreed to by the CONSULTANT, MAG Program Manager, and Local Contact. Each product should succinctly present information in an engaging format suitable for a diverse audience with extensive use of tables, matrices, drawings and charts. Each product shall be reviewed as follows. An administrative draft of each deliverable will be submitted in both electronic and hard copy format to the MAG Program Manager and Local Contact for review. Comments from the MAG Program Manager and Local Contact will be incorporated into the working paper by the CONSULTANT before distribution for additional review. Additional review of work products may be performed by others as determined by the MAG Program Manager and/or Local Contact. Comments received during the review process will be incorporated into the working paper by the CONSULTANT.

Copy ready quality of all deliverables are required. Copies of all drafts and final papers and reports must also be delivered in electronic format (standard Corel or Microsoft office software). Copies must also be supplied in Adobe Acrobat portable document format (.pdf files), to facilitate distribution for comment. All camera ready copies will be provided in black-and-white format in 8 ½ x 11 format (graphics may be on 11 x 17 folded pages), unless mutually agreed to in the Contract Scope of Services between the CONSULTANT and MAG.

All work products created during the course of this project become the property of MAG and the Local Contact. Work products include, but are not limited to, written reports, graphic presentations, spreadsheets, databases, data files, computer programs, and support documentation. All working papers and reports shall include an executive summary.

1. Refined Scope of Work.
2. Data Inventory Memorandum.
3. Stakeholder and Core Team List.
4. Meeting Schedule.
5. Area Assessment Report.

6. 30% Design Report.
7. Preliminary (60%) Plans.
8. Opinion of Probable Cost.
9. Final (95%) Plans, Specifications and Estimates.
10. Project Summary and Regional Significance.

STATEMENT OF QUALIFICATION REQUIREMENTS

STATEMENT OF QUALIFICATION (SOQ) CONTENT

The SOQ shall include the following items in the same order as they are listed below. Failure to provide the requested information may result in rejection of the SOQ. Brief and concise submittals are encouraged. The total number of pages must not exceed 20, excluding the resumes.

1. **Registration Form.** All firms submitting a Statement of Qualifications on this project will be required to include a completed Proposer's Registration Form (See Appendix B) with their SOQ. In addition, a completed Proposer's Registration Form must be included with the SOQ for any subconsultants used on this project.
2. **Identification.** A title sheet or equivalent which includes:
 - a. The title of this solicitation.
 - b. Consultants' name and business address.
 - c. The name, title, mailing address, and telephone and fax numbers of the principal contact.
3. **Table of Contents.**
4. **Organization and Approach.** A brief statement describing the proposer's organization and outlining its approach to completing the work required for the range of projects included in this solicitation. This statement should briefly illustrate the proposer's overall understanding of specific areas of expertise as well as the anticipated projects listed.
5. **Background of Firm.** Background information regarding offeror, including
 - a. Number of employees (by type of professional expertise and managerial role in the company)
 - b. Length of time the offeror has been in business
 - c. Number of affiliated offices (if applicable)
6. **Recent Examples.** Provide examples of successful, recent experience in providing consultant services in each of the areas of expertise identified above. Preference will be given to offerors with demonstrated experience and expertise in successfully performing work of a similar nature or related nature.
7. **References.** Provide one reference for each example submitted under item six (6), above. Include the following:
 - a. Date of the project.
 - b. Name and address of client.
 - c. Name and telephone number of the individual in the client organization. that had management responsibility for the project.
 - d. Relevance to this SOQ.
 - e. Brief description of the project.
8. **Individuals and Expertise.** Provide a complete listing of all individuals to be included under each area of expertise, specifying their level of participation in each of the areas of expertise. This information must be provided in a spreadsheet or tabular format. Project managers on assignments that involve engineering elements must be currently registered in Arizona.
9. **Resumes.** Provide resumes of each person listed in item eight (8) indicating education and experience relevant to the areas of expertise. Include abstracts of previously completed similar projects.
10. **Subconsultants.** The name, address, telephone number, and primary contact for subconsultants included in the project (if any). For each subconsultant include resumes of the individuals to be

assigned to the project and at least two references which include:

- a. Date of the project.
- b. Name and address of client.
- c. Name and telephone number of the individual in the client organization that had management responsibility for the project.
- d. Relevance to this SOQ.
- e. Brief description of the project.

11. **Additional Information.** Any additional information that the offeror believes would be useful to MAG in evaluating the offeror's SOQ.

The SOQ shall be signed by a representative or officer authorized to bind the offeror. Individuals of the offering organization qualified to negotiate a contract with the Maricopa Association of Governments based on the SOQ shall be identified by name, title, address, and telephone number.

In accordance with A.A.C. R2-7-104, an offeror may designate as confidential portions of a SOQ. A summary index of any such designation must be included in the Table of Contents or cover letter in the SOQ documents. If the Maricopa Association of Governments determines to disclose the information provided, the Maricopa Association of Governments shall inform the offeror in writing of such determination.

Project Cost and Schedule

Approved consultants will be placed on an On-Call Consultant list which will be used for the Fiscal Year 2007-2009 Design Assistance Programs. For 2007, \$200,000 is available for the design of pedestrian areas in accordance with the MAG Pedestrian Policies and Design Guidelines and \$300,000 is available for the Bicycle/Shared-Use Design Assistance Program.

The project schedule shall be determined during Task 1, Refine the Scope of Work. It is expected that the project schedule will vary depending upon the projects selected to participate in the Design Assistance Program.

SOQ DELIVERY AND OPENING

SOQ Delivery

1. Ten (10) copies of the SOQ must be submitted by 10:00a.m. (Mountain Standard Time) on **Monday July 31, 2006 to:**

Maricopa Association of Governments
Attention: **Maureen DeCindis**
302 North First Avenue, Suite 300
Phoenix, Arizona 85003

Timely receipt of SOQs will be determined by the date and time the SOQ is received at the above address. Hand delivery is therefore encouraged. No late submissions, facsimile, or electronic submissions will be accepted.

SOQs will be opened publicly and the name of each entity submitting a SOQ will be read at 10:00 a.m. on **Monday July 31, 2006** at the MAG Offices, Library, 302 North 1st Avenue, Suite 200 Phoenix, Arizona, 85003.

All material submitted in response to this solicitation becomes the property of MAG and will not be returned. After contract award, the SOQs shall be open for public inspection except to the extent that the withholding of information is permitted or required by law. If the offeror designates a portion of its SOQ as confidential, it shall isolate and identify in writing the confidential portions in accordance with Arizona Administrative Code R2-7-104; which shall be included in the SOQ. Upon receipt of your written notification, MAG will review any portions of the SOQ that the offeror considers to be confidential and then make a determination on what should be released. MAG will also notify you in writing of our determination and provide you with an opportunity to respond to our decision prior to releasing the SOQ.

2. Any questions regarding this Request for Qualifications should be directed to **Maureen DeCindis** at (602) 254-6300; or by email at mdecindis@mag.maricopa.gov. Additional information regarding MAG activities, including Committee meeting schedules, may be found on the Web site (<http://www.mag.maricopa.gov>). Questions asked about the SOQ requirements will be answered via phone or e-mail, and responses will be provided on the MAG web site at <http://www.mag.maricopa.gov/employment.cms> under " RFPs/RFQs".

SOQ EVALUATION AND SELECTION PROCESS

1. **Evaluation Criteria.** All Statements of Qualification submitted will be evaluated by a group consisting of MAG staff and member agencies. Evaluation criteria include, but are not limited to:
 - a. Demonstration of the overall understanding of goals and objectives of this solicitation.
 - b. Clarity of SOQ, realistic approach, technical soundness, and enhancements to elements outlined in this Request for Qualifications.
 - c. Education and relevant experience of personnel in providing similar services. Only those personnel that will be assigned to work directly on each area should be cited.
 - d. Proven track record in the areas of expertise sought. Offerors should clearly identify the principal people who worked on past projects and the amount of time they devoted to the work effort.
 - f. Availability of key personnel throughout the project effort.
 - g. Ability and commitment to deliver required products and services, meet all deadlines for submitting associated work products, and ensure quality control.
 - h. Recognition of work priorities and flexibility to deal with change and contingencies.
2. **References.** As part of its final selection, MAG reserves the right to contact a reasonable number of references from among those provided by the offeror.
3. As provided by A.A.C. R2-7-331, discussions may be conducted with offerors who submit SOQs determined likely to be selected for inclusion in the MAG Pedestrian Design Assistance Program and the Bicycle/Shared-Use Design Assistance Program On-Call Consultant List. If discussions are conducted during Phase 2 pursuant to R2-7-331, MAG shall issue a written request for best and final offers. Award may be made without discussions, therefore, SOQs shall be submitted complete and on most favorable terms. The selection of a firm will be based solely on qualifications and exclude consideration of price or fee. MAG will negotiate compensation with the Respondent determined to be the most qualified and, if a fair and reasonable compensation cannot be negotiated with that Respondent, MAG will initiate negotiations with the next most qualified Respondent.
4. **MAG Approval.** A recommendation for inclusion of the selected consultants in the MAG Pedestrian Design Assistance Program and the Bicycle/Shared-Use Design Assistance Program On-Call Consultant List shall be made by the MAG Executive Director to the MAG Regional Council. The decision of the Regional Council is final.

CONSULTANT SELECTION & CONTRACT ORIGINATION

Selected consultants will be placed on the MAG Pedestrian Design Assistance and the MAG Bicycle/Shared Use Design Assistance Program On-Call List to provide services as projects for approved jurisdictions are determined.

ADMINISTRATIVE REQUIREMENTS

1. **Program Management.** The Design Assistance project shall be managed by the MAG Program Manager. A Local Contact shall be appointed by the selected area jurisdiction to oversee the day-to-day management of a particular project and represent the jurisdiction in which the project is located. Once an applicant has selected a CONSULTANT from the on-call list, a contract is negotiated between MAG and the CONSULTANT. MAG administers the contract, and the Local Contact works with the CONSULTANT to implement the project according to the contractual scope of work.
2. **Quality Control/Quality Assurance.** The CONSULTANT, the MAG Program Manager, and the Local Contact shall review and discuss with the CONSULTANT the system it has implemented to ensure the maintenance of proper standards throughout the design of this project. The system shall be acceptable to the MAG Program Manager and the Local Contact.
3. **No Exclusive Arrangement.** The offeror agrees and understands that the On-Call consultant list shall not be construed as an exclusive arrangement and further agrees that the Maricopa Association of Governments may secure similar services with other contracted sources at any time in conjunction with, or in replacement of, the proposed services.
4. **Basis for Payment.** The basis for payment to the CONSULTANT for services rendered shall be reimbursement for costs in conformance with the project budget and cost breakdown submitted and included in the contractual scope of work, which includes the CONSULTANT's profit. Contracts will be cost-reimbursement plus fixed fee. Invoices must be in the required format supplied to the CONSULTANT by MAG.
5. **Progress Reports.** During the course of the project, a monthly progress report is required to be submitted within ten (10) working days after the end of each month until the final report is submitted. Each report shall include a comprehensive narrative of the activities performed during the month, an estimated percent complete for each project task, monthly and cumulative costs by task, activities of any subcontractors, payments to any consultants, a discussion of any notable issues or problems being addressed, and a discussion of anticipated activities for the next month. Progress reports must be in the required format supplied to the CONSULTANT by MAG.
6. **Retention.** MAG shall retain ten percent (10%) of the contract amount, withheld from each invoice, as final payment until completion of the project to the satisfaction and acceptance of the work. Final payment shall be made after acceptance of the final product and invoice.
7. **Audit Examination.** An audit examination of the CONSULTANT's records may be required.
8. **Compliance with Federal Law.** The firm that is selected will be required to comply with Titles VI and VII of the Civil Rights Act of 1964. The CONSULTANT will comply with Executive Order 11246, entitled Equal Employment Opportunity, as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR Part 60). The CONSULTANT will also be required to comply with all applicable laws and regulations of the U.S. Department of Transportation.
9. **Compliance with MAG Insurance Requirements.** The firm selected will be required to comply with MAG insurance requirements, which may include: Workmen's Compensation, Architects and Engineers Professional Liability insurance, Comprehensive General Liability insurance, Business Automobile Liability insurance, and Valuable Papers insurance.
10. **No Guarantee of Work.** MAG makes no guarantee as to the amount of work to be assigned to any CONSULTANT and may exercise its option not to utilize the services requested herein. MAG is under no financial obligation to any selected CONSULTANT unless MAG issues a Notice to Proceed for a specific requirement. While MAG will encourage design assistance recipients to work with a

CONSULTANT that is not currently involved on another MAG Pedestrian Design Assistance Pedestrian or Bicycle/Shared-Use Design Assistance Program project, inclusion on the On-Call list does not guarantee selection by the MAG Pedestrian Design Assistance or Bicycle/Shared-Use Design Assistance recipients.

11. **Confidential Portions of SOQ.** In accordance with A.A.C. R2-7-104, an offeror may designate as confidential portions of a SOQ. A summary index of any such designation must be included in the Table of Contents or cover letter in the SOQ documents. If the Maricopa Association of Governments determines to disclose the information provided, the Maricopa Association of Governments shall inform the offeror in writing of such determination.
12. **DBE Requirements.** The Disadvantaged Business Enterprise (DBE) requirements in the Code of Federal Regulations Title 49, Part 26 will apply to this Contract. See Appendix C, MAGs Key DBE Regulatory Requirements. A complete copy of MAGs DBE program is available on request.
13. **Vendor Registration.** Prior to issuance of a purchase order and subsequent payment, the Contractor shall have a completed Request for Taxpayer Identification Number and Certification, Federal Form W-9, and AFIS II Vendor Setup form on file with MAG. No payments shall be made until the forms are on file.
14. **MAG reserves the right to:**
 - Cancel this solicitation.
 - Reject any and all SOQs and re-advertise.
 - Select the SOQ (s) that, in its judgement, will best meet its needs.
 - Negotiate a contract that covers selected parts of SOQ, or a contract that will be interrupted for a period of time or terminated for lack of funds.

APPENDIX A

ARIZONA ADMINISTRATIVE CODE R4-30-301

ARTICLE 3. REGULATORY PROVISIONS**R4-30-301. Rules of Professional Conduct**

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration, certification, or subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not knowingly commit bribery of a public servant as proscribed in A.R.S. § 13-2602, knowingly commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an assignment if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or engagement in question.
8. A registrant shall not accept compensation for services related to the same project or professional engagement from more than one party without making full disclosure to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant may hold in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.

12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Lands Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee.
17. Except as provided in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.

August 2004

APPENDIX B

PROPOSER'S REGISTRATION FORM

All firms proposing as prime contractors or subcontractors on Maricopa Association of Governments (MAG) projects are required to be registered. **Please complete this form and return it with your proposal.**

If you have any questions about this registration form, please call the MAG Fiscal Services Manager, (602) 254-6300.

1. GENERAL INFORMATION:

Name of Firm: _____
Street Address: _____
City, State, ZIP _____
Mailing Address: _____
City, State, ZIP _____
Telephone Number _____
Fax Number: _____
E-mail address: _____
Web address: _____
Year firm was established _____

Check all that apply:

Is this firm a prime consultant? _____
Is this firm a sub-consultant? _____ Identify specialty: _____
Is this firm a certified DBE? _____ If so, by whom? _____
Is this firm currently debarred? _____
Is this firm currently the subject of debarment proceeding? _____

2. FINANCIAL INFORMATION

Firm's annual gross receipts (average of last 3 years):

_____ <\$300,000
_____ \$300,000 - \$599,999
_____ \$600,000 - \$999,999
_____ \$1,000,000 - \$4,999,999
_____ >\$5,000,000

Information will be maintained as confidential to the extent allowed by federal and state law. The undersigned swears that the above information is correct. Any material misrepresentation may be grounds for terminating any contract which may be awarded and initiating action under federal and state laws concerning false statements.

Name, Title

Date

APPENDIX C

MAG'S KEY DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIREMENTS FOR CONSULTANT CONTRACTS

MAG'S KEY DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIREMENTS FOR CONSULTANT CONTRACTS

The Disadvantaged Business Enterprise (DBE) requirements in the Code of Federal Regulations Title 49, Part 26 will apply to this contract. A complete copy of MAG's DBE Program is available by request to MAG's DBE Liaison Officer, at 602/254-6300.

The Consultant will agree to ensure that DBEs, as defined in 49 CFR 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement.

DBE Participation Goal and Reporting:

The DBE participation goal for this contract is 11 percent of the contract award. DBEs used for this contract must be certified by the Arizona Department of Transportation or the City of Phoenix prior to the award of the contract. A list of Certified DBE organizations is available at the Civil Rights Office of the Arizona Department of Transportation or the City of Phoenix.

The Consultant will be required to report monthly on: (1) the utilization of any subcontractors, and (2) any payments made to subcontractors (DBEs and non-DBEs).

Requirement for Proposal:

All firms proposing on this project will be required to include a completed "Proposer's Registration Form" (See Appendix D) with their proposal. In addition, a completed Proposer's Registration Form must be included with the proposal for any subcontractors used on this project.

General Requirements for Proposals and Contract:

All proposers will be required to include the following information in their proposal and contract:

1. A clear and concise description of the work that each DBE will perform
2. The dollar amount of the participation of each DBE firm participating
3. Written documentation of the proposer's commitment to use a DBE subcontractor(s) whose participation it submits to meet a contract goal
4. If the contract goal is not met, evidence of good faith efforts to meet the goal

Contractor and Subcontractor Assurance:

MAG will incorporate into each contract it signs with a Prime Contractor, and require in each subcontract (that a Prime Contractor signs with a Subcontractor), the following assurance:

"The Contractor, Subrecipient or Subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as MAG deems appropriate."

Prompt Payment Provision:

"The Prime Contractor will pay Subcontractors for satisfactory performance of contracts no later than fourteen (14) calendar days from the date that the Prime Contractor receives payment from MAG. The Prime Contractor

will also return retainage payments to the Subcontractor within fourteen (14) calendar days from the date of satisfactory completion of work.”

Prime Contractors must:

1. Provide the Subcontractor with the name, address and phone number of the person to whom all invoices/billings and statements must be sent.
2. Pay Subcontractors and suppliers within fourteen (14) days of receipt of payment from MAG.
3. Stipulate the reason(s) in writing to the Subcontractor or supplier and to MAG for not abiding by the prompt payment provision. Possible reasons include:
 - a. Failure to provide all required documentation
 - b. Unsatisfactory job performance
 - c. Disputed work
 - d. Failure to comply with other material provisions of the contract
 - e. Third-party claims filed or reasonable evidence that a claim will be filed
 - f. Reasonable evidence that the contract cannot be completed for the unpaid balance of the contract sum or a reasonable amount for retainage.

Subcontractors must:

1. Submit invoices or billing statements to the Prime Contractor's designated contact person in an appropriate format and in a timely manner. The format and the timing of billing statements must be specified in the contract(s) between the Prime Contractor and the Subcontractor(s).
2. Notify MAG in writing of any potential violation of the prompt payment provision.

MAG will implement appropriate mechanisms to ensure compliance with the requirements of all program participants. The mechanisms MAG may use include, but are not limited to:

1. MAG will notify Subcontractors (DBE and Non-DBEs) of the Prime Contractor's responsibility for prompt payment and encourage Subcontractors to notify MAG in writing with any possible violations to the prompt payment mechanism.
2. Withholding payment from Prime Contractors who do not comply with the prompt payment provision noted above, where it has been determined by the MAG DBELO that delay of payment to the Subcontractor is not justified.
3. Stopping work on the contract until compliance issues are resolved.
4. Terminating the contract.

MAG will verify that the work committed to DBEs, at the time of the contract award, is actually performed by DBEs. This will be accomplished by:

1. Requiring Prime Contractors to report Subcontractor(s) (DBE and Non-DBEs) work performed in each monthly progress report along with an indication of the number of hours worked, any costs incurred and the amounts paid to the DBE(s).
2. Ensuring that DBE participation is credited toward the overall goal or contract goal(s) only when payments are actually made to DBE firms.

APPENDIX D

TAXPAYER ID FORM

**REQUEST FOR
TAXPAYER IDENTIFICATION NUMBER
AND PAYEE CERTIFICATION**

Name: _____

Address: _____

Employer Identification Number: _____

Social Security Number: _____

Please Circle One:

Corporation

Sole Proprietor

Partnership

Certification: Under penalty of perjury, I certify that:

- (1) The number shown is my correct taxpayer identification number and;
- (2) I have not been notified by the Internal Revenue Service that I am subject to backup withholding.

Signed

Date